

SENATE BILL No. 138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16; IC 25-22.5-8-5; IC 35-46-5.

Synopsis: Human cloning. Declares that cloning is against public policy. Prohibits the state and a political subdivision of the state from using public funds, facilities, or employees to support cloning activities. Requires the state department of health to revoke the license of a hospital that participates in or supports human cloning. Requires the medical licensing board to revoke the license of a physician who participates in or supports human cloning. Makes the following activities a Class C felony: (1) Participating in cloning. (2) Implanting or attempting to implant the product of human cloning into a uterine environment to initiate a pregnancy. (3) Shipping or receiving the product of human cloning for the purpose of implanting the product into a uterine environment to initiate a pregnancy. (4) Purchasing or selling a human ovum, zygote, embryo, or fetus.

Effective: Upon passage.

Miller

January 7, 2002, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 138

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the**
4 **use of asexual reproduction to create or grow a human embryo**
5 **from a single cell or cells of a genetically identical human.**

6 **(b) The term does not include a treatment or procedure to**
7 **enhance human reproductive capability through the manipulation**
8 **of human oocytes or embryos, including the following:**

9 **(1) In vitro fertilization.**

10 **(2) Gamete intrafallopian transfer.**

11 **(3) Zygote intrafallopian transfer.**

12 SECTION 2. IC 16-18-2-183.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**
15 **means a human egg cell with a full genetic composition capable of**
16 **differentiating and maturing into a complete human being.**

17 SECTION 3. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if the state health commissioner proves by a preponderance of the evidence that the hospital:**

(1) participates in research regarding; or

(2) allows the hospital's:

(A) facilities to be used for; or

(B) employees, in the course of employment, to participate in or support;

an activity facilitating;

cloning or attempted cloning.

SECTION 4. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 34.5. CLONING

Chapter 1. Public Policy Against Cloning

Sec. 1. The general assembly declares that cloning is against public policy.

Sec. 2. Neither the state nor any political subdivision of the state may use public funds, facilities, or employees to participate in or support:

(1) research regarding; or

(2) an activity facilitating;

cloning or attempted cloning.

SECTION 5. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician participates in or supports:

(1) research regarding; or

(2) an activity facilitating;

cloning or attempted cloning.

SECTION 6. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

(b) A person who knowingly or intentionally:

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1 **(1) participates in cloning;**

2 **(2) implants or attempts to implant the product of human**
3 **cloning into a uterine environment to initiate a pregnancy; or**

4 **(3) ships or receives the product of human cloning for the**
5 **purpose of implanting the product into a uterine environment**
6 **to initiate a pregnancy;**

7 **commits unlawful participation in human cloning, a Class C felony.**

8 SECTION 7. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 3. A person who knowingly or intentionally**
11 **purchases or sells a human ovum, zygote, embryo, or fetus commits**
12 **unlawful transfer of human organisms, a class C felony.**

13 SECTION 8. An emergency is declared for this act.

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